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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,163	01/02/2001	Robert C. Eisenman	RE-1	9699

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT PAPER NUMBER

2632

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,163

Applicant(s)

EISENMAN, ROBERT C.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, "said transmitter device" lacks antecedent basis. It is not clear if it refers to the transmitter or the transmitting device recited in claim 1. Correction is required. For examining purposes, it is assumed to be the transmitting device which transmits GPS signal as recited in claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6, 9, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nantz et al (US Patent No. 5,873,412) in view of Petite et al. (US Patent No. 6,437,692) and Hoffman et al. (US Patent No. 5,742,233).

Claim 1:

Nantz discloses a vehicle alarm comprising a housing and a vehicle alarm activator within the housing including a transmitter for activating an alarm system on a vehicle. Nantz fails to disclose a transmitting device located with the housing for transmitting a location signal to a GPS system for determination a location of the device. Nonetheless, the concept of combining a remote transponder with a GPS receiver and to transmit a location signal based on information provided by the GPS system is well known in the art as taught in Petit et al. wherein a GPS device is incorporated into a remote transceiver for remotely controlling a number of devices. See fig. 3E in Petite.

In light of this teaching, it would have been obvious to one skilled in the art to apply this concept in the vehicle alarm activator in Nantz because it would be desirable to user a personal alarm device and to know the location of the user of the device since knowing the user's location

would provide an advantage that in the situation when the user is in distress or emergency situation, it would be easy to locate this person as in the case disclosed by Hoffman et al.

Claim 2:

The device in Nantz includes a key ring extending from the side of the housing. See fig. 1.

Claim 3:

The use of infrared LED in a remote controller such as a vehicle security system transponder is convention in the art. Thus, it would have been obvious to one skilled in the art to use an infrared LED in the transmitter of Nantz because it is old and well known.

Claim 4:

In the modified system of Nantz, the alarm activator includes an alarm activation button (among other buttons) extending from the housing for activating the transmitter to transmit an infrared signal.

Claim 5:

It is inherent the transmitter device in Nantz includes a processor and memory device connected to the processor for storing identification information concerning the device.

Claim 6:

The transmitting device in the combined system of Nantz, Petite, and Hoffman comprises an activation button to activate the modified system to retrieve and transmit information to the GPS system

Claim 9:

The use of clip releasably connected to the housing for releasable securing a person alarm device to an article of clothing of the user is conventional in the art. Thus, no patentable weight is given.

Claim 12:

It is inherent that the device in Nantz has a power source connecting to the alarm activator and transmitting device.

Claim 13:

The personal alarm device in Hoffman has a power source sensor 122 for sensing the power level of the power source.

Claim 14:

The device in Hoffman detects the low power level then transmits the signal to a remote monitoring location. Therefore, the reference suggests indicating the low battery status. A skilled artisan would have readily recognized using an illuminating device on the combined device of Nantz, Petite, and Hoffman because it would indicate to the device user that the battery needs to be replaced for the device to operate.

Claim 15:

One skilled in the art would have readily recognized that, in the combined system, the location signal is transmitted to the GPS system to allow for constant tracking of the device.

Claim 16:

In this combined system, there is an activation button for generating an alarm signal to be transmitted upon activation the activation button.

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4. Claims 7, 8, 10, 11, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nantz et al (US Patent No. 5,873,412) in view of Petite et al. (US Patent No. 6,437,692) and Hoffman et al. (US Patent No. 5,742,233) and further in view of Van der Laan et al. (US Patent No. 5,929,761).

Claim 7:

It is not clear whether the personal alarm device in Hoffman includes a speaker for generating an audible signal when the activation button is activated. However, the use of audible signal to indicate that a signal has been transmitted by the activation of a button on a transmitter is conventional in the art as taught in Van der Laan et al. (col. 3, lines 53-57). Therefore, it would have been obvious to one skilled in the art to use an audible indicator in the combined system of Nantz, Petite, and Hoffman for that reason.

Claim 8:

It is not clear that the personal alarm device in Hoffman has a cover connected to the housing and slidable along a portion thereof for selectively covering the activation button. However, the use of a cover to protect a switch or button from being inadvertent actuated is convention in the art as shown in Van der Laan et al. In light of this teaching, one skilled in the art would have readily recognize using a protective cover to in the personal alarm device in Hoffman for the same reason. Regarding the claimed cover being slidable, this only constitute a choice in design.

Claim 10:

The personal alarm device in Van der Laan et al. includes visual informing means to indicate that the activating signal has been received, so that the transmitter can terminate the

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transmission. In light of Van der Laan et al.'s, it would have been obvious to one skilled in the art to use a visual indicator in the combined system of Nantz, Petite, and Hoffman for the same purpose.

Claim 11:

The use of a visual indicator to indicate that the device is powered or on is very conventional in the art. Therefore, one skilled in the art would have readily recognized using a power-on indicator in this combined system because it is conventional to indicate that a device is on by providing an illuminated light.

Claims 17 and 18:

Van der Laan suggests both audible and visual indicators as a feedback to the user that activation of an activation button. Therefore, it would have been obvious to one skilled in the art use this concept in the combined system of Nantz, Petite, and Hoffman for the same purpose.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Julie Lieu
Primary Examiner
Art Unit 2632

jl
September 17, 2002